

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #5	CCRB Case #: 201902242	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/27/2019 3:10 PM	Location of Incident: [REDACTED]	Precinct: 32	18 Mo. SOL 8/27/2020	EO SOL 4/13/2021	
Date/Time CV Reported Wed, 03/13/2019 8:04 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 03/13/2019 8:04 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Milton Sanchez	25931	941136	032 PCT
2. An officer			
3. DT3 Daniel Wadolowski	00732	954413	032 DET
4. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jonathan Narvaez	25389	946524	032 PCT
2. DT2 Osvaldo Collado	03753	905975	032 PCT
3. POM Keith Hall	15642	944076	032 PCT
4. POM Jon Westendorf	15415	941256	032 PCT
5. DTS Salahudin Clark	00796	941566	032 PCT
6. POM Vincent Ciccolella	20819	958409	SRG 4
7. POM Willis Reyes	16494	958001	032 PCT
8. POM Christian Balbi	05762	951520	032 PCT
9. POM Albert Huh	15906	957690	032 PCT
10. DT3 Andrew Nash	05497	950935	025 DET
11. SGT Steven Broda	02744	929782	INT CIS
12. POM Richard Hanson	20219	954916	INT CIS
13. POM Daryn Dellilo	18995	958486	032 DET
14. SGT Alfred Gallicchio	01140	921359	032 PCT
15. SGT Isaías Martinez	00828	927792	025 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Daniel Wadolowski	Discourtesy: Detective Daniel Wadolowski gestured discourteously toward § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
B. An officer	Discourtesy: An officer gestured discourteously toward § 87(2)(b)	
C. Officers	Force: Officers used physical force against individuals.	
D.POM Milton Sanchez	Force: Police Officer Milton Sanchez used physical force against an individual.	
E.POM Milton Sanchez	Force: Police Officer Milton Sanchez used physical force against an individual.	
F.POM Milton Sanchez	Force: Police Officer Milton Sanchez used physical force against an individual.	
G.POM Milton Sanchez	Force: Police Officer Milton Sanchez used physical force against § 87(2)(b)	
H.POM Milton Sanchez	Force: Police Officer Milton Sanchez hit § 87(2)(b) against a wall.	
I.POM Milton Sanchez	Force: Police Officer Milton Sanchez used a chokehold against § 87(2)(b)	
J. An officer	Force: An officer used physical force against § 87(2)(b)	
K.DT3 Daniel Wadolowski	Force: Detective Daniel Wadolowski used physical force against § 87(2)(b)	

Case Summary

On March 13, 2019, § 87(2)(b) filed this complaint on the CCRB's website as a reporting non-witness on behalf of her then-§ 87(2)(b)-year-old son, § 87(2)(b).

On February 27, 2019, shortly after 3 p.m., § 87(2)(b) and a high school classmate, § 87(2)(b), separately went to a deli on the northwest corner of § 87(2)(b) § 87(2)(b) in Manhattan. There were large crowds of students fighting in the area. Numerous officers from the 32nd Precinct responded to the scene, including Detective Daniel Wadolowski (currently assigned to the 32nd Precinct Detective Squad), Detective Daniel Nash (currently assigned to the 25th Precinct Detective Squad), and Police Officer Milton Sanchez. Det. Wadolowski and an unidentified officer allegedly both raised a middle finger towards § 87(2)(b) in a discourteous gesture (**Allegation A: Discourtesy**, § 87(2)(g); **Allegation B: Discourtesy**, § 87(2)(g)). Unidentified officers allegedly pushed unidentified students in the deli (**Allegation C: Force**, § 87(2)(g)). PO Sanchez allegedly separately pushed three unidentified students outside and inside of the deli (**Allegations D–F: Force**, § 87(2)(g)).

PO Sanchez allegedly pushed § 87(2)(b) twice (**Allegation G: Force**, § 87(2)(g)). Outside the deli, PO Sanchez allegedly grabbed § 87(2)(b) and hit him against the exterior glass frontage of the deli, where he held him for some period of time (**Allegation H: Force**, § 87(2)(g)). While holding § 87(2)(b) against the exterior wall of the deli, PO Sanchez allegedly choked § 87(2)(b) with at least one hand on his neck (**Allegation I: Force**, § 87(2)(g)). An unidentified officer allegedly pushed § 87(2)(b) from behind (**Allegation J: Force**, § 87(2)(g)). Det. Wadolowski allegedly hit § 87(2)(b) in the chest three times with closed fists (**Allegation K: Force**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) were both handcuffed, walked to the 32nd Precinct stationhouse, and issued disorderly conduct summonses (**Board Review 01**).

The investigation obtained BWC footage (**Board Review 02–09**, summarized at **Board Review 10–15**). All references to video evidence in this report use time stamps from the video player, rather than any on-screen clock embedded in the footage itself. Although numerous officers who responded to the incident, including Det. Wadolowski, Det. Nash, and PO Sanchez, had BWCs on the incident date, the 32nd Precinct had not yet been equipped with BWCs for more than 90 days. § 87(4-b), § 87(2)(g)

This case was reassigned from Inv. Hank Oliver to Inv. Andrew Ridge on August 19, 2019, and reassigned again from Inv. Ridge to the undersigned on August 6, 2020. The closure of this case was significantly delayed by the NYPD requiring that the investigation obtain signed waiver forms from the parents or guardians of § 87(2)(b) and other youths involved in the incident before providing BWC footage to the CCRB. The investigation was also delayed by the logistical difficulties of contacting and obtaining statements from the youths and their parents, as they had retained private counsel. Finally, the COVID-19 global pandemic and various issues related to remote MOS interviews further delayed the investigation.

This case is related to case #201901938, which involves events that occurred immediately before PO Sanchez's interaction with § 87(2)(b) for which PO Sanchez was a subject of physical force, threat of force, and offensive language allegations against students. The Board's findings in that case are described in more detail in the Officer History section at the end of this report.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Daniel Wadolowski gestured discourteously at § 87(2)(b).

Allegation (B) Discourtesy: An officer gestured discourteously at § 87(2)(b).

It is undisputed that numerous officers from the 32nd Precinct, including at least Det. Wadolowski, Det. Nash, and PO Sanchez, responded to radio transmissions for assistance in regards to the large crowds of students fighting on § 87(2)(b) § 87(2)(b) near the 32nd Precinct stationhouse. At least Det. Nash and PO Sanchez responded to the deli on the § 87(2)(b) § 87(2)(b).

§ 87(2)(b) in particular. The officers uniformly testified that essentially the “entire” 32nd Precinct responded to the incident, with numerous plainclothes and uniformed officers on scene, including officers responding on an impromptu basis from the stationhouse as well as from patrol and other assignments in response to radio calls.

§ 87(2)(b) (**Board Review 16**) recounted he went to the deli to purchase an after-school snack and ordered food upon arriving. There was a large crowd of students from § 87(2)(b) school in the deli at this time, including many of § 87(2)(b) friends, all but one of whom he claimed he was unable to name. The one friend § 87(2)(b) could name was someone he knows only as § 87(2)(b) whom the investigation identified as § 87(2)(b) saw four plainclothes officers across the street, one of whom the investigation identified as Det. Wadolowski. Det. Wadolowski and another plainclothes officer each raised one of their middle fingers at § 87(2)(b) was entirely unable to describe any of the other plainclothes officers besides Det. Wadolowski.

Testimony from § 87(2)(b) (CCRB interview at **Board Review 17**; follow-up telephone statement at **Board Review 18**) and another of his and § 87(2)(b) classmates, § 87(2)(b) (**Board Review 19**), made no mention of officers making such a discourteous gesture. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) identified two other students who were with him, § 87(2)(b) (no known relation to § 87(2)(b) and § 87(2)(b), but the investigation was unable to establish contact with either of them.

Det. Wadolowski (**Board Review 20**) was interviewed just over two years after the incident occurred. Det. Wadolowski did not have a detailed memory of the incident due to the time that had elapsed between the incident date and his interview date, and because there were several days around the time of the incident that involved similarly large crowds of fighting schoolchildren in the same § 87(2)(b) around the 32nd Precinct stationhouse. All that Det. Wadolowski independently remembered about this particular incident was that he responded to a radio run for officers needing assistance on the block of the stationhouse, and that he later issued a summons to an unrelated individual not involved in this case.

Det. Wadolowski did not remember where he was or what he was doing before the incident, what he observed or did after responding to the radio run, whether he interacted with any teenagers besides the unrelated teenager to whom he issued a summons, or whether he assisted with the arrest of any individuals besides the teenager to whom he issued a summons. Det. Wadolowski did not remember whether he or any other plainclothes officer raised their middle finger towards a deli where teenagers were gathered.

Det. Nash (**Board Review 21**), Det. Wadolowski’s partner on the incident date, was interviewed just under two years after the incident. Det. Nash remembered being in stationhouse with Det. Wadolowski when the request for assistance came over the radio, but he was unable to account for Det. Wadolowski’s location or actions during the incident. He also could not remember whether they worked together or became separated. Det. Nash acknowledged being at least outside of the deli in question, but he denied raising a middle finger in the direction of anyone inside the deli, and denied seeing any other officer do so.

PO Sanchez (**Board Review 22**) was interviewed approximately 18 months after the incident. PO Sanchez denied seeing any officers raise a middle finger to any students in the deli. PO Sanchez did not remember the identity of any plainclothes officers at the deli.

There is no BWC footage covering this portion of the incident. Field work conducted shortly after the incident at the deli in question revealed that the deli’s surveillance camera system was not functioning at the time of the incident. The deli employee present during the field work did not pay the incident any mind and did not provide a statement to the investigation (**Board Review 23**). The video footage in another nearby deli’s surveillance camera system had already been erased by the time field work could be conducted there (**Board Review 24**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Force: Officers used physical force against individuals.

It is undisputed that officers ordered civilians to disperse in the area surrounding the deli. § 87(2)(b) (Board Review 16) recounted that approximately two to three minutes after he arrived at the deli, officers including Det. Wadolowski and the unidentified plainclothes officers from across the street entered the deli and announced, without explanation, that it was closed. None of the students responded. Nothing of note happened in the deli before the officers announced the deli was closed. None of the deli employees indicated that the deli was closed. Officers from this group—§ 87(2)(b) could not specify which ones or describe them in any way—pushed various unidentified students out of the store, including those who began leaving the store as soon as the officers announced the store was closed. § 87(2)(b) was unable to describe in any additional detail how the officers pushed these individuals, nor could he attribute specific uses of physical force to specific officers.

§ 87(2)(b) did not mention witnessing any such interaction inside the deli in either his CCRB interview (Board Review 17) or in his follow-up telephone statement (Board Review 18). § 87(2)(b) testimony about what he witnessed at that deli appears to recount what happened shortly after the portion of the incident § 87(2)(b) described above regarding this allegation.

§ 87(2)(b) and his two friends, § 87(2)(b) and § 87(2)(b), were not present for this portion of the incident (Board Review 19).

PO Sanchez (Board Review 22) denied seeing any officer push any individuals at the deli. Det. Wadolowski and Det. Nash (Board Review 20–21) were both in plainclothes but were largely unable to remember much about the incident, primarily due to the nearly two years that elapsed between the incident and their interviews. Det. Wadolowski also cited the fact that there were multiple similar incidents in the days surrounding the incident under investigation here, and it was difficult to separate the days from each other in his limited recollection. Det. Wadolowski did not remember what he observed or did after responding to the radio call, or whether he interacted with any teenagers besides the unrelated teenager to whom he issued a summons. Det. Wadolowski did not remember whether he was present at the deli in question or whether he pushed any individuals there. Det. Nash remembered being outside of the deli in question but did not see any plainclothes officers inside the deli. Det. Nash may have made some physical contact with students but did not use any physical force. Instead, he may have simply “ushered them along” so that they would not simply hang out outside of the deli but rather would just go home or elsewhere.

There is no BWC footage covering this portion of the incident. As described previously, multiple instances of field work at and around the incident location produced negative results for any surveillance footage or additional witnesses.

§ 87(2)(g)

Allegation (D) Force: Police Officer Milton Sanchez used physical force against

§ 87(2)(b)

Allegation (E) Force: Police Officer Milton Sanchez used physical force against

§ 87(2)(b)

Allegation (F) Force: Police Officer Milton Sanchez used physical force against

§ 87(2)(b)

It is undisputed that PO Sanchez responded to the deli where there was a large crowd of civilians including schoolchildren such as § 87(2)(b) and § 87(2)(b). It is further undisputed that officers ordered civilians to disperse.

§ 87(2)(b) provided generally consistent testimony in his CCRB interview (**Board Review 17**) and a subsequent follow-up telephone statement (**Board Review 18**), with notable exceptions described below. In total, § 87(2)(b) recounted seeing PO Sanchez push at least three unidentified black male students (Student-1, Student-2, and Student-3) near the deli. § 87(2)(b) was unable to identify any of them or describe them in further detail. To date, the investigation has not received any additional complaints of the incident by or on behalf of any additional complainants, victims, or witnesses regarding this portion of the incident.

§ 87(2)(b) alleged in his CCRB testimony that PO Sanchez pushed Student-1 directly in front of the deli while telling Student-1 to move, even though Student-1 was walking away as instructed. PO Sanchez did so at least three times, each time using two hands, palms open, on Student-1's back near his shoulders. Student-1 stumbled but did not fall down. Student-1 left the location, ostensibly without being arrested or issued any summonses. § 87(2)(b) did not see any other portion of PO Sanchez's interactions with Student-1, nor did he know anything about what happened before PO Sanchez began pushing Student-1.

In his CCRB testimony and a follow-up telephone statement, § 87(2)(b) recounted that PO Sanchez ordered the students to enter the deli—even while other, unidentified officers nearby gave contradictory orders for students to leave the location. In his follow-up telephone statement but not his prior CCRB testimony, § 87(2)(b) alleged that PO Sanchez pushed Student-2 into the deli even though Student-2 was already complying with PO Sanchez's command to enter the deli.

In both his CCRB testimony and a follow-up telephone statement, § 87(2)(b) alleged that once the students followed PO Sanchez's commands to enter the deli, PO Sanchez abruptly ordered them to leave the deli without explanation. The students began yelling and asking why PO Sanchez ordered them to enter the deli in the first place, only to tell them to leave moments later. PO Sanchez pushed Student-3 with two hands in the chest one time, causing Student-3 to fall backwards into § 87(2)(b). § 87(2)(b) caught Student-3 and took a step backwards from the momentum. Student-3 left the scene, ostensibly without being arrested or issued any summonses.

The first thing § 87(2)(b) testified (**Board Review 16**) to seeing PO Sanchez do during the incident was push § 87(2)(b) out of the deli (explained in more detail below in **Allegation G**), which reportedly occurred after PO Sanchez allegedly pushed Student-1, Student-2, and Student-3.

§ 87(2)(b) and his two friends, § 87(2)(b) and § 87(2)(b), were not present for this portion of the incident (**Board Review 19**).

PO Sanchez (**Board Review 22**) was interviewed approximately 18 months after the incident. He recounted that in addition to seeing students fighting outside the deli, he also saw numerous students inside the crowded deli. PO Sanchez decided that he needed to temporarily shut down the deli and order all of its student occupants to exit, which he told them to do repeatedly. Although they were not doing anything unlawful, they did not appear to be purchasing anything and the shopkeeper gave PO Sanchez a non-verbal look with his eyes, which PO Sanchez interpreted as a plea for help dealing with the students. PO Sanchez's goal was to temporarily shut down the deli from student access so that the students would go home. PO Sanchez denied ever entering the deli and denied ordering any students to do so—that would have been counterproductive to his goal of

clearing the deli of students. PO Sanchez initially denied pushing any students into or out of the deli, but later said he did not remember whether he did so.

Det. Nash (**Board Review 21**) remembered being outside of the deli in question but did not independently remember PO Sanchez being there. Det. Nash denied seeing any officer push any other civilian, inside of, near, or out of the deli.

Det. Wadolowski (**Board Review 20**) did not remember whether PO Sanchez was present, nor whether PO Sanchez pushed any civilians into, out of, or near a deli.

There is no BWC footage covering this portion of the incident. As described previously, multiple instances of field work at and around the incident location produced negative results for any surveillance footage or additional witnesses.

“Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.” NYPD Patrol Guide Procedure 221-01 (**Board Review 34**).

§ 87(2)(g)

Allegation (G) Force: Police Officer Milton Sanchez used physical force against § 87(2)(b) .

Allegation (H) Force: Police Officer Milton Sanchez hit § 87(2)(b) **against a wall.**

Allegation (I) Force: Police Officer Milton Sanchez used a chokehold against § 87(2)(b)

§ 87(2)(b) (**Board Review 17**) recounted that after PO Sanchez pushed the unidentified students as described above, § 87(2)(b) asked why he did that. PO Sanchez began yelling at § 87(2)(b) who had just entered the deli, to leave the deli. PO Sanchez pushed § 87(2)(b) twice—both times with two hands in the center of his chest. The first push caused § 87(2)(b) to step back about two feet. The second push was much harder and caused § 87(2)(b) to step back approximately five feet, out of the deli. Outside the deli, § 87(2)(b) told PO Sanchez to stop pushing the students. PO Sanchez asked § 87(2)(b) why he wanted to “act tough.” PO Sanchez grabbed the collar of § 87(2)(b) shirt with two hands and held him up with his back against the glass exterior window of the deli. PO Sanchez holding § 87(2)(b) shirt did not physically restrict his breathing. § 87(2)(b) attempted to release PO Sanchez’s grip on his shirt and put his right hand in front of him to push PO Sanchez away from him. PO Sanchez moved § 87(2)(b) hand away and did not loosen his grip on § 87(2)(b) shirt. § 87(2)(b) was not feeling pain in his back, but he stated that he was feeling pain in his chest as a result of the force. § 87(2)(b) reported no injuries regarding any of PO Sanchez’s force.

§ 87(2)(b) (**Board Review 16**) recounted that as he and § 87(2)(b) were leaving the deli, he saw PO Sanchez standing in the doorway of the deli, facing the deli’s interior. As § 87(2)(b) exited, PO Sanchez grabbed § 87(2)(b) by the straps of his backpack with two hands, spun him around so that PO Sanchez was facing towards the street, and pushed § 87(2)(b) one time, sending him two feet out of the deli. § 87(2)(b) looked like he was about to stumble but was able to regain his balance. PO Sanchez grabbed § 87(2)(b) again, took hold of § 87(2)(b) neck with both hands, held him against the exterior store wall, and choked him in that position for five to seven seconds. § 87(2)(b) had no physical reaction in response to PO Sanchez choking him.

§ 87(2)(b) and his two friends § 87(2)(b) and § 87(2)(b), were not

present for the portion of the incident where PO Sanchez allegedly pushed students in and out of the deli. (**Board Review 19**). However, § 87(2)(b) recounted that he arrived on scene in time to see PO Sanchez grab § 87(2)(b) by his face, near his chin, with one hand, and slam him back against the glass exterior window of the deli. PO Sanchez held him there for one to two minutes before letting go. § 87(2)(b) did not see what occurred between § 87(2)(b) and PO Sanchez before PO Sanchez slammed § 87(2)(b) against the glass. § 87(2)(b) identified two other students who were walking with him, § 87(2)(b) and § 87(2)(b), but the investigation was unable to establish contact with either of them.

PO Sanchez (**Board Review 22**) recounted that he saw § 87(2)(b) fighting other students outside of the deli in question. § 87(2)(b) was the “most aggressive” participant, insofar as he was throwing closed-fist punches and hitting other students. PO Sanchez physically separated the fight’s participants, but § 87(2)(b) then began fighting again and did not appear to “care” about PO Sanchez’s presence or efforts to break up the fight. PO Sanchez believed he had probable cause to arrest § 87(2)(b) for assault and disorderly conduct but did not think he should be arrested, due to his age and because PO Sanchez himself has children and grandchildren—which he believes has given him a different philosophy on arresting minors than other officers.

As noted above, PO Sanchez denied entering the deli or ordering students to do so. PO Sanchez initially denied pushing any students into or out of the deli, but later said he did not remember whether he did so. PO Sanchez denied pushing or shoving § 87(2)(b) in any manner. However, PO Sanchez acknowledged that he “grabbed” § 87(2)(b) on his arm, somewhere on his jacket, or possibly in his chest area. PO Sanchez could not remember more specifically where or how he grabbed him, but he averred that he did “whatever [he] needed to do.” § 87(2)(b) continued “mouthing off.” There were several children nearby brushing up against PO Sanchez and others touching PO Sanchez’s arms to let § 87(2)(b) go. PO Sanchez eventually did so. PO Sanchez said § 87(2)(b) should go home. PO Sanchez denied pushing § 87(2)(b) at any point, picking § 87(2)(b) off of the ground, putting or pushing him up against the exterior of the deli, grabbing him by his neck or near his neck, or hitting him or his head against the exterior of the deli. PO Sanchez had some words with § 87(2)(b) and told him to stop, but he did not remember exactly what he said.

Det. Wadolowski (**Board Review 20**) did not remember whether PO Sanchez was present, whether PO Sanchez pushed any civilians into, out of, or near a deli, whether PO Sanchez ever picked a student off of the ground and put them against the outside of a building, whether PO Sanchez ever grabbed a civilian by the neck, or whether PO Sanchez ever hit a civilian against the outside of a deli. Det. Nash (**Board Review 21**) remembered being outside of the deli in question but did not remember PO Sanchez being there. Det. Nash denied seeing any officer push any civilian, inside of, near, or out of the deli. Det. Nash denied seeing any officer grab any civilian by the front of his shirt and holding him up against the exterior wall of the deli. Det. Nash also denied seeing any officer holding § 87(2)(b) by his neck outside of the deli.

There is no BWC footage covering this portion of the incident. As described previously, multiple instances of field work at and around the incident location produced negative results for any surveillance footage or additional witnesses.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Force: An officer used physical force against § 87(2)(b)

Allegation (K) Force: Detective Daniel Wadolowski used physical force against § 87(2)(b)

§ 87(2)(b) (Board Review 16) recounted that he left the deli after PO Sanchez pushed § 87(2)(b) out, and went to stand near a fence on the corner. An officer—whom § 87(2)(b) could not describe at all—grabbed him by his backpack without saying anything to him. Another officer—whom § 87(2)(b) also could not describe—pushed § 87(2)(b) from behind. The push caused § 87(2)(b) abdomen to hit the fence. The same officer who had allegedly raised his middle finger earlier—identified as Det. Wadolowski—hit § 87(2)(b) in the chest three times with closed fists in fairly rapid succession, causing chest pain but no other injuries. § 87(2)(b) was unable to describe any of the other officers who were around him during this time. The next thing that § 87(2)(b) remembered happening after this was that he was handcuffed. § 87(2)(b) was unable to provide further temporal context for when he was handcuffed relative to this force being used against him.

§ 87(2)(b) (Board Review 17) testified that his interaction with PO Sanchez, which happened immediately before this portion of the incident, occurred on a different portion of that corner than the area in which § 87(2)(b) was interacting with officers. § 87(2)(b) made no mention of this portion of the incident involving § 87(2)(b) which accords with the timeline of when he was arrested and brought away from the scene to the stationhouse for arrest processing.

§ 87(2)(b) (Board Review 19) only saw § 87(2)(b) interactions with officers once he was already handcuffed, and he could not further describe the officers holding onto him during that time. The investigation was unable to establish contact with § 87(2)(b) and § 87(2)(b).

Det. Wadolowski (Board Review 20) was shown an image of § 87(2)(b) but he did not remember whether he saw § 87(2)(b) during the incident. He denied having any interactions with him, pushing him in the back, or punching or hitting him in the chest. Det. Wadolowski also did not recall whether any officer pushed, punched, or hit § 87(2)(b).

Det. Nash (Board Review 21) did not recognize § 87(2)(b) when shown an image of him and denied having any direct interactions with him at any point during the incident. Det. Nash denied pushing § 87(2)(b) in the back or ever seeing any other officer do so, and he denied seeing any officer push any civilian near the deli. Det. Nash denied punching § 87(2)(b) in the chest and denied seeing any other officer do so.

PO Sanchez (Board Review 22) denied seeing any officer push anyone in the back or punch anyone in the chest.

There is no BWC footage covering this portion of the incident. As described previously, multiple instances of field work at and around the incident location produced negative results for any surveillance footage or additional witnesses.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first and only CCRB complaint in which § 87(2)(b) or § 87(2)(b) were named as a complainant or victim (**Board Review 25–27**).
- PO Sanchez has been a member of service for 15 years and has been named a subject in 11 other CCRB complaints and 33 other allegations, five of which were substantiated:
 - CCRB case #201402868 involved substantiated allegations of one frisk and two searches of person, as well as an unsubstantiated allegation of discourtesy and an OMN for failure to prepare a stop and frisk report. The Board recommended Charges. PO Sanchez received Formalized Training.
 - CCRB case #201901938 involved substantiated allegations of physical force and threat of force, as well as six unsubstantiated allegations of offensive language (three related to gender, three related to race). The Board recommended Command Discipline A. The NYPD imposed no penalty regarding the CCRB case, but had already imposed a Command Discipline A against PO Sanchez as a result of the NYPD's own concurrent investigation into that incident.
 - § 87(2)(g)
- Det. Wadolowski has been a member of service for eight years and has been named a subject in five other CCRB complaints and 12 other allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On May 22, 2019, § 87(2)(b) mother, § 87(2)(b) filed a Notice of Claim on his behalf, through counsel, for \$75,000, alleging an illegal stop, seizure, and search; false arrest and imprisonment; battery, assault, humiliation, abuse, intentional infliction of emotional distress and excessive force; and various violations of § 87(2)(b) state and federal civil rights and constitutional rights (**Board Review 28**).
 - § 87(2)(b) attorney confirmed that he sat for a 50-h hearing, but the attorney has not provided the investigation with a transcript to date.
- § 87(2)(b) through his mother § 87(2)(b) also filed a Notice of Claim on his behalf (**Board Review 29**).
 - § 87(2)(b) provided testimony in a 50-h hearing on § 87(2)(b), and the transcript is available at **Board Review 30** (pages 1-30 of the PDF).
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (**Board review 31–33**).
 - According to the attorney representing both § 87(2)(b) and § 87(2)(b) both of their disorderly conduct summonses were dismissed in court.

Squad No.: #05

Investigator:	<u>DG</u> Signature	<u>IM Giansante for Inv. O'Shea</u> Print Title & Name	<u>August 11, 2021</u> Date
Squad Leader:	<u>Daniel Giansante</u> Signature	<u>IM Daniel Giansante</u> Print Title & Name	<u>August 11, 2021</u> Date
Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date